

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

NOV 29 2006

JOEL HALLSTROM,

Plaintiff,

vs.

CITY OF BELVIDERE d/b/a
CITY OF BELVIDERE FIRE
DEPARTMENT,

Defendant.

CASE NO. 06

MICHAEL W. DOBBINS, CLERK
UNITED STATES DISTRICT COURT

06 C 5 0 2 38

COMPLAINT

Plaintiff, JOEL HALLSTROM, by and through his attorneys, RENO & ZAHM LLP, complains of the Defendant, CITY OF BELVIDERE d/b/a CITY OF BELVIDERE FIRE DEPARTMENT, as follows:

PARTIES AND JURISDICTION

1. This Complaint is brought for a violation of Title I of the Americans With Disabilities Act of 1990, 42 U.S.C. §12101, et. seq. (the "ADA").

2. At all times relevant hereto, the Plaintiff, Joel Hallstrom, ("Hallstrom"), was a resident of the State of Illinois.

3. At all times relevant hereto, the Defendant was a "covered entity", as that term is defined in Section 101 of Title I of the ADA, and located in the County of Boone and State of Illinois.

4. At all times relevant hereto, the Defendant was an "employer" as that term is defined in Section 101 of the ADA.

5. Hallstrom timely filed a Charge of Employment Discrimination against the Defendant with the Equal Employment Opportunity Commission and the Illinois Department of Human Rights.

6. Hallstrom received a "Notice of Right to Sue" from the United States Department of Justice on September 11, 2006, a copy of which is attached hereto as Exhibit A.

COUNT I

1. Hallstrom incorporates paragraphs 1.- 4. listed above as paragraphs 1.-4. of his Complaint.

5. Hallstrom, as the result of a birth defect, is missing the portion of his left arm below his elbow.

6. Hallstrom is an individual with a "disability" as that term is defined in Section 3 of the ADA.

7. On or about September 6, 2002, Hallstrom was hired by the Defendant as a probationary firefighter subject to his successful completion of the Elgin Fire Academy.

8. On or about October 25, 2002, Hallstrom graduated from the Elgin Fire Academy.

9. On or about November 4, 2002, Hallstrom began working for the Defendant as a probationary firefighter.

10. Hallstrom, with or without reasonable accommodation, was and is capable of performing the essential functions of a firefighter.

11. The Defendant discriminated against Hallstrom by subjecting him to different and/or higher performance standards than other probationary firefighters.

12. Defendant's actions are in direct violation of Title I of the ADA.

13. As a result of the Defendant's actions, Hallstrom has suffered damages in excess of \$100,000.

WHEREFORE, and for the reasons stated above, the Plaintiff, Joel Hallstrom respectfully requests that the Defendant, the City of Belvidere d/b/a City of Belvidere Fire Department be found in violation of the American's With Disabilities Act of 1990; that judgment enter against the Defendant in an amount in excess of \$100,000 as and for the damages suffered by Hallstrom; and that the Defendant, the City of Belvidere d/b/a City of Belvidere Fire Department, be responsible for and required to pay any and all attorney's fees incurred by Hallstrom in connection with this cause of action.

COUNT II

1. Hallstrom incorporates paragraphs 1.-10. of Count I as paragraphs 1.-10. of Count II of his Complaint.

11. The Defendant discriminated against Hallstrom by failing to make reasonable accommodations to the known physical limitations of Hallstrom, even though such accommodations would not have imposed an undue hardship on the operation of the business of the Defendant.

12. Defendant's actions are in direct violation of Title I of the ADA.

WHEREFORE, and for the reasons stated above, the Plaintiff, Joel Hallstrom respectfully requests that the Defendant, the City of Belvidere d/b/a City of Belvidere Fire Department be found in violation of the American's With Disabilities Act of 1990; that judgment enter against the Defendant in an amount in excess of \$100,000 as and for the damages suffered by Hallstrom; and that the Defendant, the City of Belvidere d/b/a City of Belvidere Fire Department, be responsible for and required to pay any and all attorney's fees incurred by Hallstrom in connection with this cause of action.

COUNT III

1. Hallstrom incorporates paragraphs 1.-10. of Count I as paragraphs 1.-10. of Count III of his Complaint.

11. The Defendant discriminated against Hallstrom in that it terminated Hallstrom from employment on April 15, 2003 from his position as firefighter for the Defendant, due to or because of Hallstrom's disability.

12. Defendant's actions are in direct violation of Title I of the ADA.

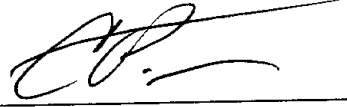
WHEREFORE, and for the reasons stated above, the Plaintiff, Joel Hallstrom respectfully requests that the Defendant, the City of Belvidere d/b/a City of Belvidere Fire Department be found in violation of the American's With Disabilities Act of 1990; that judgment enter against the Defendant in an amount in excess of \$100,000 as and for the damages suffered by Hallstrom; and that the Defendant, the City of Belvidere d/b/a City of Belvidere Fire Department, be responsible for and required to pay any and all attorney's fees incurred by Hallstrom in connection with this cause of action.

Dated: November 28, 2006

RESPECTFULLY SUBMITTED,

JOEL HALLSTROM

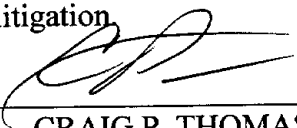
By: RENO & ZAHM LLP

By: 
CRAIG P. THOMAS

RENO & ZAHM LLP
By: Craig P. Thomas
2902 McFarland Rd, Suite 400
Rockford, IL 61107
Ph (815) 987-4050
Fx (815) 987-4092

ATTORNEY'S CERTIFICATE

I, Craig P. Thomas, hereby certify that I have read the attached pleading, that to the best of my knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law and that it is not interposed for any improper purpose, such as to harass or to cause any unnecessary delay or needless increase in the cost of litigation.



CRAIG P. THOMAS

RENO & ZAHM LLP
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Rockford, IL 61107
(815)987-4050



Civil Rights Division
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
5056 8153

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

September 1, 2006

Mr. Joel Hallstrom
c/o Stacey M. Moore, Esquire
Law Offices of Reno & Zahm
Attorneys at Law
2902 McFarland Rd., Ste. 400
Rockford, IL 61107

RECEIVED

SEP 11 2006

Re: EEOC Charge Against City of Belvidere, Belvidere Fire Dept.
No. 21BA401855

Dear Mr. Hallstrom:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. 12111, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Wan J. Kim
Assistant Attorney General
Civil Rights Division

by

Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Chicago District Office, EEOC
City of Belvidere, Belvidere Fire Dept.

EXHIBIT

A